

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAMES NEWTON, II,)	
)	
Plaintiff,)	
)	
vs.)	
)	
STANDARD CANDY COMPANY, INC.,)	8:06CV242
)	
Defendant and)	
Third-Party Plaintiff,)	ORDER
)	
vs.)	
)	
JIMBO'S JUMBOS, INC.,)	
)	
Third-Party Defendant.)	

Plaintiff has filed a "Request for Jury Trial in North Platte" [15]. The motion is untimely under NECivR 40.1(b) and, in any event, is not supported by affidavit as required by NECivR 40.1(b). In light of these deficiencies,

IT IS ORDERED that plaintiff's request for trial in North Platte [15] is denied without prejudice to reassertion, if appropriate, pursuant to NECivR 40.1(b)(3).

DATED May 8, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**